

HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.20278 OF 2007

Between:

V.Rama Rao

...Petitioner

AND

The Secretary,
Ministry of Home Affairs,
Government of India and others

...Respondents

:: ORDER ::

Counsel for the petitioner : Shri K.S.Sunil Kumar
for Shri N.Ramchander Rao

28th September, 2007

PER G.S.SINGHVI, CJ

The petitioner, who claims to be an agriculturist and has described himself as social worker, has filed this petition in the name of public interest litigation for issue of a mandamus to the official respondents to cancel the pension sanctioned to respondent No.5 under Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 scheme').

In the affidavit filed by him, the petitioner has averred that respondent No.5 managed to get freedom fighters' pension by producing fake school certificates. According to the petitioner, the age of respondent No.5 was less than 55 at the time of sanction of pension and he was not even eligible to be treated as freedom fighter within the meaning of the 1980 Scheme.

We have heard Shri K.S.Sunil Kumar, learned counsel for the petitioner and scrutinized the record. In our opinion, the writ petition is liable to be dismissed summarily because,

1) the petitioner has not been able to establish his bona fides as a litigant who could invoke jurisdiction of this Court by means of pro bono publico litigation;

2) the petitioner has not placed on record order passed by the competent authority for sanction of pension to respondent No.5 and without examining the same, the Court cannot adjudicate the legality of the decision taken by the competent authority to sanction freedom fighters' pension in favour of respondent No.5, and

3) the petitioner has not impleaded the Union of India as party to the writ petition despite the fact that under the 1980 scheme, the Central Government alone is competent to sanction pension to the freedom fighters.

For the reasons stated above, the writ petition is dismissed leaving the petitioner free to approach the competent authority of the Central Government for redressal of his so-called grievance in the matter of grant of pension to respondent No.5 under the 1980 scheme.

G.S.SINGHVI, CJ

28th September, 2007

C.V.NAGARJUNA REDDY, J

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